

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BOBBY LEE SMITH,)	
)	
Petitioner,)	
)	
v.)	No. 4:10-CV-1932 LMB
)	
STEVE LARKINS,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition is successive and shall be summarily dismissed.

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief.

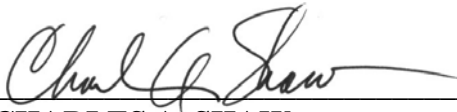
Petitioner was sentenced to life imprisonment by a Missouri state court in 1986 after he was found guilty of two counts of murder in the second degree. The record shows that after pursuing direct appeals of his convictions, petitioner has previously filed three § 2254 petitions for writs of habeas corpus in this district. See Smith v. Goose, No. 90-552C(2) (E.D. Mo.); Smith v. Stubblefield, No. 4:99CV1772 CAS (E.D. Mo.); Smith v. Purkett, No. 4:05CV1077 CAS (E.D. Mo.). Both the second and third habeas actions were transferred to the Eighth Circuit Court of Appeals in order to allow petitioner to seek permission to file a successive habeas in this district.¹ The Eighth Circuit denied petitioner's requests on both occasions.

¹On February 8, 2000 and March 23, 2006, the Eighth Circuit denied petitioner's applications for authorization to file successive habeas petitions.

To the extent that petitioner seeks to relitigate claims that he brought in his original petition, those claims must be denied pursuant to 28 U.S.C. § 2244(b)(1). To the extent that petitioner seeks to bring new claims for habeas relief, petitioner must obtain leave from the United States Court of Appeals for the Eighth Circuit before he can bring those claims in this Court. 28 U.S.C. § 2244(b)(3)(A). Petitioner has not been granted leave to file a successive habeas petition in this Court. As a result, the petition shall be summarily dismissed.

Accordingly,

IT IS HEREBY ORDERED that petitioner's petition for writ of habeas corpus is **DISMISSED**.


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 20th day of December 2010.